86-573

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

No. _____

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1985

THAN TUN, M.D., and
THIDA SWE TUN,

Petitioners,

vs.

KAUIKEOLANI CHILDREN'S HOSPITAL, a Hawaii nonprofit corporation, now known as KAPIOLANI WOMEN AND CHILDREN'S MEDICAL CENTER, a Hawaii nonprofit corporation; et al.,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE
STATE OF HAWAII

APPENDIX TO BRIEF IN OPPOSITION OF RESPONDENTS, THE QUEEN'S MEDICAL CENTER, JON PEGG, M.D., DAN YOSHIOKA, M.D., AND ARTHUR SPRAGUE, M.D., TO PETITION FOR WRIT OF CERTIORARI

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TABLE OF CONTENTS

Page

THAN TUN, M.D., ET AL. V. KAUIKEOLANI CHILDREN'S HOSPITAL, ET AL., ORDER GRANTING DEFENDANTS' QUEEN'S MEDICAL CENTER, JON PEGG, M.D., DAN YOSHIOKA, M.D., AND ARTHUR SPRAGUE, M.D.'S MOTION TO DISMISS COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED, CIVIL NO. 84-0181 (1ST CIRCUIT COURT, HONOLULU) DECEMBER 6, 1984 (TAKAO, J)(Appendix A). A-1

THAN TUN, M.D., ET AL. V. KAUIKEOLANI CHILDREN'S HOSPITAL, ET AL., MEMORANDUM OPINION, NO. 10564 (HAWAII SUPREME COURT) JUNE 17, 1986 (Appendix B). B-1

THAN TUN, M.D., ET AL. V. KAUIKEOLANI CHILDREN'S HOSPITAL, ET AL., ORDER, NO. 10564 (HAWAII SUPREME COURT) JULY 7, 1986 (Appendix C) C-1

Page

THAN TUN, M.D., ET AL. V. KAUIKEOLANI CHILDREN'S HOSPITAL, ET AL., JUDGMENT ON APPEAL, NO. 10564 (HAWAII SUPREME COURT) AUGUST 19, 1986 (Appendix D). D-1

THAN TUN, M.D., ET AL. V. KAPIOLANI CHILDREN'S MEDICAL CENTER, ET AL., CIVIL NO. 84-0886 (D.HAW.) STIPULATION OF DISMISSAL FOR LACK OF SUBJECT MATTER JURISDICTION, DECEMBER 10, 1984 (Appendix E). E-1

UNITED STATES CODE, TITLE 42, SECTION 1983 (Appendix F) F-1

HAWAII RULES OF CIVIL PROCEDURE, RULE 56 (Appendix G) G-1

HAWAII REVISED STATUTES, SECTION 663-1.7 (Appendix H). H-1

MEDICAL EXECUTIVE COMMITTEE AND BOARD OF DIRECTORS - 1984 (Appendix I). I-1

APPENDIX A
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

CIVIL NO. 84-0181

THAN TUN, M.D., and
THIDA SWE TUN,

Plaintiffs

vs.

KAUIKEOLANI CHILDREN'S HOSPITAL, et.al.,

Defendants

ORDER GRANTING DEFENDANTS' QUEEN'S MEDICAL CENTER, JON PEGG, M.D., DAN YOSHIOKA, M.D.,AND ARTHUR SPRAGUE, M.D.'S MOTION TO DISMISS COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

Defendants Queen's Medical Center, John Pegg, M.D., Dan Yoshioka, M.D. and Arthur Sprague, M.D.'s Motion to Dismiss Complaint for Failure to State a Claim upon which Relief can be granted, having come on for hearing before the Honorable Frank T. Takao on November 13, 1984, and the Court having reviewed the pleadings and records on file

and the Memoranda and Affidavits submitted by counsel, and the Court having heard the arguments of Counsel, and the Court being fully advised in the premises, and the Court having found that:

1) The Queen's Medical Center Medical-Dental Staff Bylaws provide the procedure to be followed for the processing of a physician's application for staff membership and clinical privileges;

2) The Queen's Medical Center Medical-Dental Staff Bylaws provide an administrative remedy to be followed in the event a peer review committee recommends an adverse decision;

3) The Queen's Medical Center adhered to their Bylaws by providing timely notice and opportunity for hearing at each required level of the peer review process.

4) Plaintiff failed to exhaust the administrative remedies provided under these Bylaws before resorting to Court.

5) A physician applying for staff membership and clinical privileges must exhaust the administrative remedies provided under the hospital bylaws before resorting to judicial intervention.

IT IS HEREBY ORDERED that Plaintiffs' claim against Defendants Queen's Medical Center, Jon Pegg, M.D., Dan Yoshika, M.D. and Arthur Sprague, M.D. is dismissed for failure to exhaust the administrative remedies as provided under the Medical-Dental Staff Bylaws of Queen's Medical Center.

Pursuant to Hawaii Rules of Civil Procedure Rule 12(b)(6), Defendants' Motion to Dismiss shall be treated as one for summary judgment as provided in Hawaii Rules of Civil Procedure Rule 56 and the Plaintiffs' Complaint is hereby dismissed, with prejudice, as to Defendants' Queen's Medical Center, Jon Pegg, M.D., Dan Yoshioka, M.D. and Arthur Sprague, M.D. The Court directs the clerk to enter judgment in

accordance with the Hawaii Rules of Civil Procedure Rule 58.

DATED: Honolulu, Hawaii, December 6, 1984.

/s/ Frank T. Takao
Judge of the Above-Entitled Court

APPROVED AS TO FORM:
(unsigned)
HAROLD GOBLE
Attorney for Plaintiffs

APPENDIX B
NO. 10564

IN THE SUPREME COURT

OF THE STATE OF HAWAII

THAN TUN, M.D., and
THIDA SWE TUN,

Plaintiffs-Appellants,

vs.

KAUIKEOLANI CHILDREN'S HOSPITAL, et.al.,

Defendants-Appellees.

and

THE QUEEN'S MEDICAL CENTER, et. al,

Defendants.

MEMORANDUM OPINION

Plaintiffs-appellants Dr. Than Tun and Thida Sew Tun appeal from a grant of summary judgment in favor of defendants-appellees Kauikeolani Children's Hospital now known as Kapiolani Women's and Children's Medical Center (Kapiolani), Richard Davi, Paul E. Cook, Dr. Walter Shim, Dr. Stanley Chung, Dr. Mitsuo Hattori, Queen's Medical Center,

Dr. John [sic] Pegg, Dr. Dan Yoshioka and Dr. Arthur Sprague. We affirm in part and reverse in part.

I.

Dr. Tun applied for anesthesiology privileges at Kapiolani. Initially, he was granted temporary privileges but those privileges were terminated based on Dr. Hattori's observations of Dr. Tun's performance in the operating room. Dr. Chung, Chief of Surgery, relied on Dr. Hattori's observations and recommended the termination to Mr. Davi, President. Dr. Hattori, Chief of Anesthesiology, had observed Dr. Tun on two occasions and believed his performance to be unsatisfactory. Dr. Tun, stating that he did not desire to use the facilities withdrew his application without pursuing the administrative appeal process as provided under the Medical Staff By-Laws. Kapiolani formally denied Dr. Tun's application, taking

the view that Dr. Tun's letter of withdrawal was a waiver of his right to an appeal hearing.

Subsequent to the denial of staff privileges to Dr. Tun by Kapiolani, Dr. Tun applied to Queen's Medical Center for anesthesiology privileges. on the application form, Dr. Tun answered "No" to the question of whether his privileges had ever been revoked, denied or suspended at any other hospital. Dr. Hattori, in responding to Queen's questionnaire, stated that, "I don't believe Dr. Tun is ready to give anesthesia for children unless he seeks further training in the field of pediatric anesthesiology."

Queen's Credentials Committee recommended that Dr. Tun's application for privileges be denied. The Medical Executive Committee affirmed the recommendation and notified Dr. Tun of the denial based on, inter alia, unethical conduct in answering

the question improperly. Dr. Tun was advised that he had a right to request an informal hearing before the Medical Executive Committee and a full hearing before the Board of Directors after the hearing and decision by the Medical Executive Committee. A hearing before the Medical Executive Committee was scheduled at the request of Dr. Tun but Dr. Tun failed to attend the hearing. Instead, Dr. Tun commenced action for damages in the circuit court.

Appellants sued Queen's, Kapiolani, and their respective doctors and administrators for monetary damages based on a multiple causes of action, summarized as follows: libel, slander and defamation; improper revocation of privileges; violation of due process; conspiracy to deny Dr. Tun his constitutional rights and to restrict interstate business; intentional infliction of emotional distress; malicious prosecution and abuse of process; breach and tortious

breach of contract; negligence; unfair and deceptive trade practices; loss of consortium; promissory estoppel; and intentional, malicious, wanton and willful acts of defendants. The trial court granted summary judgment in favor of defendants based on Dr. Tun's failure to exhaust the hospitals' administrative remedies. We affirm as to all defendants except Dr. Hattori.

II.

Appellants assert that Dr. Tun is excused from exhausting the available administrative remedies for the following reasons: (1) the administrative review would have been futile and would have caused undue hardship; (2) Dr. Tun was deprived of procedural due process; (3) appellants may sue the peer review committee for damages without exhausting the administrative remedies; and (4) the defendants acted with

malice against Dr. Tun under the Hawaii Revised Statutes (HRS) Section 663-1.7(b). 1/

III.

Was Dr. Tun bound to exhaust the administrative remedies available to him? And if so, would the pursuit of administrative appeals have been an act of futility or cause undue hardship?

It is generally accepted that a physician must exhaust available internal remedies afforded by the hospital before bringing a suit for damages. Westlake Community Hospital v. Superior Court of Los

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1/ The pertinent part of Section 663-1.7(b) reads:

(b) There shall be no civil liability for any member of a peer review committee for any acts done in furtherance of the purpose for which the committee was established; provided that:

(1) The member was authorized to perform in the manner in which he did; and
(2) The member acted without malice after having made a reasonable effort to ascertain the truth of the facts upon which he acted.

Angeles County, 17 Ca. 3d. 465, 131 Cal. Rptr. 90, 551 P.2d 410 (1976); Eidelson v. Archer, 645 P.2d 171 (Alaska 1982). However, the exhaustion of remedies requirement has been excused where the administrative review process is either inadequate or would be futile to the certainty of an adverse decision. Eidelson, supra, at 181; see also Glendale City Employees' Ass'n v. City of Glendale, 15 Cal. 3d 328, 124 Cal. Rptr. 513, 540 P.2d 609 (1975).

Appellants contend that the available administrative appeal procedure would have been futile since Dr. Tun felt that Queen's had made a prejudgment, and that Queen's did not conduct a sufficient investigation prior to reducing his privileges. It was also apparent that Dr. Tun's and Queen's interpretation of the application differed. These contentions by appellants are issues which should have been raised and argued before the Medical Executive Committee and

ultimately before the Board of Directors if necessary. Moreover, appellants failed to show by any supporting evidence on the record specifically how or why such an appeal process would have been futile, or how Queen's had already prejudged Dr. Tun. Dr. Tun's personal inclination or views are insufficient grounds to support appellants' contentions.

As to Kapiolani, here again appellants fail to give any specific grounds as to why the administrative appeal process would have been futile or would have put Dr. Tun in undue hardship to pursue his administrative appeal. Instead, appellants asserted that since Dr. Tun withdrew his application, pursuing any administrative remedy was unnecessary. Yet, the record shows that Dr. Tun "withdrew his application" after notice of the termination of his temporary privileges. Therefore, any disagreement with Kapiolani should have been presented at a

hearing before an Ad Hoc Committee of the medical staff. Dr. Tun failed to avail himself of this hearing as provided by the By-Laws.

IV.

Was Dr. Tun denied his right to procedural due process?

The decision of a hospital board will be upheld unless the doctor involved was denied procedural due process of the hospital abused its discretion. Silver v. Castle Memorial Hospital, 53 Haw. 475, 497 P.2d 564 (1972). Procedural due process requires that a doctor whose privileges are being revoked or who is being denied appointment or reappointment to the medical staff be given an opportunity to appeal the denial at a hearing. Further, the hearing must comport with certain procedural safeguards such as timely notice of hearing and a statement specifying the reasons for the initial decision of the hospital board. Silver at 485, 497 P.2d at 571.

Appellants claim that Dr. Tun was denied due process when Kapiolani terminated his temporary privileges without written charges or a proper hearing, but the record indicates that the notification by Kapiolani comported with the procedural due process requirements in Silver. Kapiolani notified Dr. Tun that the termination of his temporary privileges was due to two unacceptable anesthetic cases performed by him at the hospital and observed by Dr. Hattori. The notice informed Dr. Tun of his right to request a hearing within thirty days, and that failure to request a hearing would constitute a waiver of his right to do so.

Although Dr. Tun's privileges were actually terminated prior to hearing, the hospital took such action "in the best interest of patient care." We do not consider this an abuse of discretion by

Kapiolani whose physicians and supervisors were in the best position to make a decision for the benefit of their patients.

As to Queen's, appellants claim that Dr. Tun's privileges were denied on the basis of his application rather than his competency. This is a matter within the hospital's discretion. Further, the record shows that Queen's denied Dr. Tun's privileges due to serious questions regarding his ethical conduct. Queen's informed Dr. Tun that they concluded that he had falsified information and specified the grounds upon which they had based their conclusion. Queen's further informed Dr. Tun of his right to request a hearing with the Medical Executive Committee and the right to review his own staff file. We find no denial of due process or abuse of discretion here.

V.

Appellants contend that Kapiolani and its named defendants acted with malice.

Under HRS Section 663-1.7(b), Kapiolani and the members of its peer review committee are not liable for acts done in furtherance of the committee's purpose and without malice. This section confers a qualified privilege on the committee members, placing the burden on the plaintiff to adduce clear and convincing proof that the defendant was motivated by malice and not by an otherwise proper purpose. See Aku v. Lewis, 52 Haw. 366, 477 P.2d 162 (1970). The by-laws provide similar immunity, excepting acts done in malice and without good faith.

Appellants also contend that Kapiolani failed to investigate the accuracy of Dr. Hattori's report. The action of Kapiolani in relying on the Chief of Surgery's recommendation comports with procedure set down in the by-laws. The accuracy and truth of the report by Dr. Hattori were issues appropriate for an appeal hearing. At the hearing, Dr. Tun would have had the

opportunity to present evidence and witnesses in his favor.

Based on the record, we find no supporting evidence of malice or lack of good faith on the part of Kapiolani or members of its peer review committees. We conclude that under HRS Section 663.7(b) [sic] Kapiolani and its named defendants are immune from the civil liabilities claimed by appellants.

VI.

Appellants further contend that Dr. Hattori was motivated by anger and acted with malice in writing a false report. Dr. Hattori is not a member of Kapiolani's peer review committee and therefore he does not fall under HRS Section 663-1.7(b). We, therefore, hold that the trial court committed error in granting summary judgment in favor of Dr. Hattori solely on the basis of appellants' failure to exhaust the administrative remedies available to them. We remand for proceedings anew on the causes

of action claimed by the appellants against Dr. Hattori.

VII.

Appellants' other claims are without merit.

Affirmed in part, reversed in part, and remanded for proceedings not inconsistent with this opinion.

DATED: Honolulu, Hawaii, June 17, 1986.

/s/ Herman Lum
/s/ Edward H. Nakamura
/s/ Frank D. Padgett
/s/ Yoshimi Hayashi
/s/ James H., Wakatsuki

APPENDIX C
NO. 10564

IN THE SUPREME COURT

OF THE STATE OF HAWAII

THAN TUN, M.D., and
THIDA SWE TUN,

Plaintiffs-Appellants,

vs.

KAUIKEOLANI CHILDREN'S HOSPITAL, et.al.,

Defendants-Appellees,

and

THE QUEEN'S MEDICAL CENTER, et. al,

Defendants.

ORDER

Defendant-appellee Hattori's motion for reconsideration filed on June 26, 1986, and Plaintiffs-appellants' motion for reconsideration filed on June 27, 1986, are hereby denied.

DATED: Honolulu, Hawaii, July 7, 1986.

/s/ Herman Lum
/s/ Edward H. Nakamura
/s/ Frank D. Padgett
/s/ Yoshimi Hayashi
/s/ James H., Wakatsuki

APPENDIX D
JUDGMENT ON APPEAL

NO. 10564

IN THE SUPREME COURT OF THE STATE OF HAWAII

THAN TUN, M.D., AND THIDA SWE TUN, Plaintiffs-Appellants, vs. KAUIKEOLANI CHILDREN'S HOSPITAL, A Hawaii non-profit corporation, now known as KAPIOLANI WOMEN AND CHILDREN'S MEDICAL CENTER, a Hawaii non-profit corporation, et. al., Defendants-Appellees, and THE QUEEN'S MEDICAL CENTER, a Hawaii non-profit corporation, et. al., Defendants.	CIVIL NO. 84-0181 APPEAL FROM THE: 1) ORDER GRANTING MOTION FOR SUMMARY JUDGMENT AND DIRECTING ENTRY OF FINAL JUDGMENT FILED MARCH 6, 1985, 2) JUDGMENT FILED MARCH 6, 1985, 3) AMENDED ORDER GRANTING MOTION FOR SUMMARY JUDGMENT AND DIRECTING ENTRY OF FINAL JUDGMENT FILED APRIL 2, 1985 and 4) AMENDED JUDGMENT FILED APRIL 2, 1985 FIRST CIRUCIT COURT THE HONORABLE EDWIN H.HONDA Judge

JUDGMENT ON APPEAL

Pursuant to the Memorandum Opinion of the Supreme Court of the State of Hawaii filed June 17, 1986, the judgments appealed from are affirmed as to Defendants-Appellees Kauikeolani Children's Hospital now known as Kapiolani Women's and Children's Medical Center, Richard Davi, Paul E. Cook, Dr. Walter Shim, Dr. Stanley Chung, Queen's Medical Center, Dr. John [sic] Pegg, Dr. Dan Yoshioka and Dr. Arthur Sprague, and reversed and remanded for further proceedings against Defendant-Appellee Dr. Mitsuo Hattori.

DATED: Honolulu, Hawaii, August 19, 1986.

BY THE COURT:
CLERK

APPROVED:
/S/ James H. Wakatsuki
JUSTICE

APPENDIX E

OF COUNSEL:
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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

THAN TUN, M.D., et al.,	CIVIL NO. 84-0886
Plaintiffs,	STIPULATION OF DISMISSAL FOR LACK OF SUBJECT MATTER JURISDICTION
vs.	
KAPIOLANI CHILDREN'S MEDICAL CENTER, et al.,	
Defendants.	

STIPULATION OF DISMISSAL FOR LACK OF SUBJECT MATTER JURISDICTION

IT IS HEREBY STIPULATED by and between the attorneys for the respective parties above, with the consent of the parties thereto, that the above entitled action is

hereby dismissed with prejudice on the court records.

This dismissal is pursuant to Rule 41(a)(2) Federal Rules of Civil Procedure on the grounds that there is no subject matter jurisdiction in the United States District Court for the action.

DATED: Honolulu, Hawaii, _____.

_____
HAROLD W. GOBLE
Attorney for Plaintiffs

EDMUND BURKE
JEFFREY T. ONO
Attorneys for
Defendant
MITSUO HATTORI, M.D.

RENE McWADE
Attorney for QUEEN'S MEDICAL CENTER, JON PEGG, M.D., DAN YOSHIOKA, M.D. and ARTHUR SPRAGUE, M.D.

RONALD D. LIBKUMEN
Attorney for
Defendants
KAPIOLANI CHILDREN'S MEDICAL CENTER, KAPIOLANI WOMEN'S AND CHILDREN'S MEDICAL CENTER, RICHARD DAVI and PAUL E. COOK

APPROVED AND ORDERED:

JUDGE-U.S. DISTRICT COURT

THAN TUN, M.D., et al., vs. KAPIOLANI CHILDREN'S MEDICAL CENTER, et al., CIVIL NO. 84-0886

APPENDIX F

United States Code, Title 42, Section 1983:

Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any of the rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. (As amended Dec. 29, 1979, P. L. 96-170. Section 1.93 Stat. 1284).

APPENDIX G
Hawaii Rules of Civil Procedure

Rule 56. SUMMARY JUDGMENT

(a) For Claimant. A party seeking to recover upon a claim, counter-claim, or cross-claim or to obtain a declaratory judgment may, at any time after the expiration of 20 days from the commencement of the action or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in his favor upon all or any part thereof.

(b) For Defending Party. A party against whom a claim, counter-claim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof.

(c) Motion and Proceedings Thereon. The motion shall be served at least 10 days

before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(d) Case Not Fully Adjudicated on Motion. If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts

exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served

therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleadings, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

(f) When Affidavits are Unavailable. Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to

be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.

APPENDIX H
HAWAII REVISED STATUTES Section 663-1.7
HAWAII REVISED STATUTES (1976 Replacement)

Section 663-1.7 Professional society; peer review committee; no liability; exceptions. (a) As used in this section, "professional society" or "society" means any association or other organization of persons engaged in the same profession or occupation, the membership of which comprises a majority of the people engaged in the profession or occupation in the area which it serves and a primary purpose of which is to maintain the professional standards of the persons engaged in its profession or occupation; and "peer review committee" or "committee" means a committee created by a professional society, or by the medical staff of a licensed hospital, whose function is to maintain the professional standards established by the bylaws of the society or the hospital of the

persons engaged in its professional or occupation, or in its hospital.

(b) There shall be no civil liability for any member of a peer review committee for any acts done in furtherance of the purpose for which the committee was established; provided that:

(1) The member was authorized to perform in the manner in which he did; and

(2) The member acted without malice after having made a reasonable effort to ascertain the truth of the facts upon which he acted.

(c) This section shall not be construed to confer immunity from liability upon any professional society or hospital, nor shall it affect the immunity of any shareholder or officer of a professional corporation; provided, however, there shall be no civil liability for any professional society or hospital in communicating any conclusions

reached by one of its peer review committees relating to the conformance with professional standards of any person engaged in the profession or occupation of which the membership of the communicating professional society consists, to a peer review committee of another professional society whose membership is comprised of persons engaged in the same profession or occupation, or to a duly constituted governmental board or commission or authority having as one of its duties the licensing of persons engaged in that same profession or to a government agency charged with the responsibility for administering a program of medical assistance in which services are provided by private practitioners.

(d) The highest level peer review committee of a medical society, hospital or other health care institution shall report in writing every adverse decision made by it to the board of medical examiners within thirty days after the adverse decision is verified

by the committee. Failure to comply with this subsection shall be a violation punishable by a fine of not more than $100 for each member of the committee. [L 1970, c 60 Section 1; am L 1975, c 170, Section 2; am L 1976, c 219, Section 18]

HAWAII REVISED STATUTES (1983 Supplement)

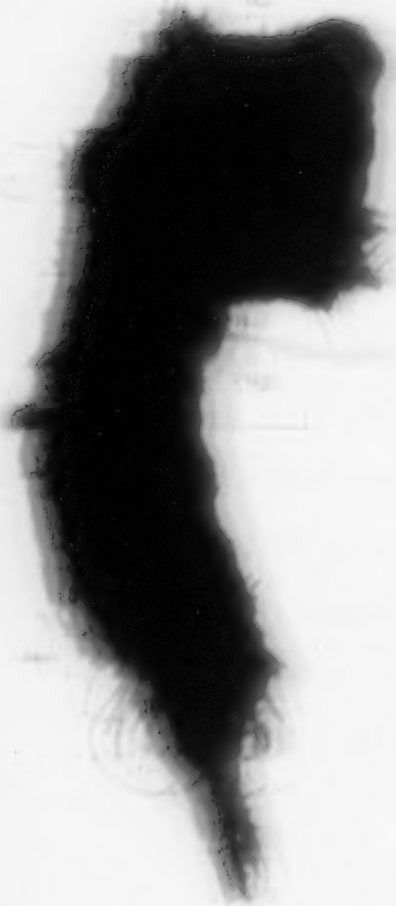
Section 663-1.7 Professional society; peer review committee; no liability; exceptions. (a) As used in this section, "professional society" or "society" means any association or other organization of persons engaged in the same profession or occupation, or specialty within a profession or occupation, a primary purpose of which is to maintain the professional standards of the person engaged in its profession or occupation or specialty practice; and "peer review committee" or "committee" means a committee

created by a professional society, or by the medical or administrative staff of a licensed hospital, whose function is to maintain the professional standards established by the bylaws of the society or the hospital of the persons engaged in its profession or occupation, or area of specialty practice, or in its hospital.

* * *

(d) The final peer review committee of a medical society, hospital, or other health care facility shall report in writing every adverse decision made by it to the department of commerce and consumer affairs. The report shall be filed within thirty business days following an adverse decision. The report shall contain information on the nature of the action, its date, the reasons for, and the circumstances surrounding the action; provided that specific patient identifiers shall be expunged. If a potential adverse decision was superseded by resignation or

other voluntary action that was requested or bargained for in lieu of medical disciplinary action, the report shall so state. The department shall prescribe forms for the submission of reports required by this section. Failure to comply with this subsection shall be a violation punishable by a fine of not less than $100 for each member of the committee. [am L 1982, c 227, Section 6; am L 1983, c 231, Section 1; am L 1984, c 168, Section 16]



APPENDIX I

MEDICAL EXECUTIVE COMMITTEE 1984

27 voting members.

Anesthesia	1
Cardiology	1
Dentistry	1
Emergency Medicine	1
Family Practice	1
General Surgery	1
Internal Medicine	2
Neurosg/Neurology	1
OB Gyn	1
Oncology	1
Opthalmology	1
Orthopedics	1
Otolaryngology (ENT)	1
Pathology	1
Pediatrics	1
Plastic Surgery	1

Psychiatry	1
Radiology	1
Trauma	1
Urology	1
Thoracic Cardiovascular Sg	1
Chief of Staff (internist)	1
Chief of Staff-Elect (urologist)	1

1984
Queen's Medical Center
Board of Directors

Board of Directors

24 members *

* 1 M.D. - Chief of Staff (internist)

1 M.D. - Chief of Staff-Elect (urologist)(ex-officio)